

Phyllis Widman, Esquire (I.D.# 004861999)

WIDMAN LAW FIRM, LLC

2000 Shore Road, Suite 201

Linwood, New Jersey 08221

TEL: (609) 848-5692 FAX: (609) 788-4527

pwidman@widmanlawfirm.com

Attorney for Plaintiff, Officer Christopher Leary

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

CHRISTOPHER LEARY,

Plaintiff,

v.

EGG HARBOR TOWNSHIP POLICE
DEPARTMENT, THE TOWNSHIP
OF EGG HARBOR, MAINLAND
LOCAL PBA #77, NEW JERSEY
STATE ASSOCIATION OF CHIEFS
OF POLICE, STATE OF NEW
JERSEY, MICHAEL HUGHES,
INDIVIDUALLY AND ACTING
UNDER COLOR OF LAW,
WILLIAM NALLY, INDIVIDUALLY
AND ACTING UNDER COLOR OF
LAW, JEFFERY LANCASTER,
INDIVIDUALLY AND ACTING
UNDER COLOR OF LAW,
REYNOLD THERIAULT,
INDIVIDUALLY AND ACTING
UNDER COLOR OF LAW DONNA
L. MARKULIC, INDIVIDUALLY
AND ACTING UNDER COLOR OF
LAW, JOHN AND JANE DOES 1-10,
ABC CORPORATIONS, AND XYZ
STATE ENTITIES.

Defendants.

**NOTICE OF
CROSS-MOTION FOR
LEAVE TO AMEND
PLAINTIFF'S
COMPLAINT**

Civil Action No.:
1:23-cv-04070-JHR-SAK

TO: **WILLIAM G. BLANEY, JR.**
BLANEY, DONOHUE & WEINBERG, P.C.
2123 DUNE DRIVE
SUITE 11
AVALON, NJ 08202
609-435-5368
Email: bill@blaneydonohue.com

KYLE DAVID WEINBERG
BLANEY, DONOHUE & WEINBERG, P.C.
2123 DUNE DRIVE
SUITE 11
AVALON, NJ 08202
609-435-5368
Fax: 609-435-5473
Email: kyle@blaneydonohue.com

JEFFREY D. CATRAMBONE
SCIARRA & CATRAMBRONE, LLC
1130 CLIFTON AVENUE
CLIFTON, NJ 07013
(973) 242-2442
Email: jcatrambone@sciarralaw.com

DAVID LAWRENCE DISLER
PORZIO, BROMBERG & NEWMAN, P.C.
100 SOUTHGATE PARKWAY
PO BOX 1997
MORRISTOWN, NJ 07962-1997
973-889-4133
Email: dldisler@pbnlaw.com

VITO A. GAGLIARDI, JR.
PORZIO, BROMBERG & NEWMAN, PC
100 SOUTHGATE PARKWAY
PO BOX 1997
MORRISTOWN, NJ 07962-1997
(973) 538-4006
Email: vagagliardi@pbnlaw.com

PLEASE TAKE NOTICE that on November 6, 2023, or on a date and time to be fixed by the Court, Plaintiff, Christopher Leary, will move this Court for an Order granting him Leave to Amend his Complaint against Defendants.

PLEASE TAKE FURTHER NOTICE that this Motion is made pursuant to *Federal Rules of Civil Procedure* 15 and 16 on the grounds that leave to amend should be liberally granted, and as the Court has not issued any pretrial scheduling order stating a deadline to amend any pleadings, that the more liberal standard of *Federal Rule of Civil Procedure* 15 should apply.

PLEASE TAKE FURTHER NOTICE that this motion shall be based upon this Notice, the attached Brief, the Certification of Plaintiff's counsel, Phyllis Widman, Esq., and the Exhibits attached thereto; as well as such other oral and documentary evidence as may be presented at the hearing on this Motion, if the Court allows oral argument.

Respectfully submitted,

WIDMAN LAW FIRM, LLC
Attorneys for Plaintiff, Christopher Leary

/s/ Phyllis Widman
Phyllis Widman

Dated October 23, 2023